

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF WEST VIRGINIA**  
**AT SELECT ONE:**

J.M., a minor,  
by and through TANYA LARDIERI,  
his Parent and Next Friend,

V.


**REPORT OF PARTIES' PLANNING MEETING**  
**CASE NUMBER 2:15-cv-04822**


LOGAN COUNTY BOARD  
OF EDUCATION, et al.,


***Guideline for parties and attorneys:***


The parties are advised to use the *Worksheet for Report of Parties Planning Meeting* (Form USDC/ATTY-004 located on the Court's website at [www.wvsc.uscourts.gov](http://www.wvsc.uscourts.gov)) and the suggested guidelines contained in the form's comments.

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on January 5, 2016. Those participating were:

 Ben White, Esquire for plaintiff(s)  
Duane Ruggier and Jacob Layne for defendant(s) Logan County Bd. of Education, et al.  
\_\_\_\_\_ for defendant(s) \_\_\_\_\_  
\_\_\_\_\_ for defendant(s) \_\_\_\_\_



2. Pre-Discovery Disclosures. The parties will exchange by February 29, 2016  the information required by Fed.R.Civ.P. 26(a)(1).

3. Plaintiff(s) should be allowed until January 31, 2016 to join additional parties and until January 31, 2016 to amend the pleadings. Defendant(s) should be allowed until February 15, 2016 to join additional parties and until February 15, 2016 to amend the pleadings. 

4. Discovery Plan. The parties jointly propose to the court the following discovery plan:  
[Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects: ?

Whether or not Plaintiff suffered a violation of his rights under the West Virginia Constitution and/or Federal Constitution.

Disclosure of electronically stored information should be handled as follows: ?

As agreed by the parties.

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows: ?

The parties have not agreed to such an order at this time.

This action is not ☒ suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. If the parties and attorneys believe that the case is complex, the basis for that belief is: ?  
n/a

The last date to serve discovery requests is June 30, 2016. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery ? position is known as the "discovery completion date." [Discovery on all discovery to be completed by August 15, 2016.] ?

The parties do ☒ adopt the discovery limits set forth in the Federal Rules of Civil Procedure. If the parties and attorneys believe that more discovery is needed, the basis for that belief is: ?

n/a

Reports from retained experts under Rule 26(a)(2) due:

By the party with the burden of proof on an issue: June 15, 2016;

By the party not bearing the burden of proof on an issue: July 15, 2016; and

Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party: August 1, 2016.

5. Magistrate judges will resolve discovery disputes. The parties do not consent ☐ to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

6. Mediation shall take place on or before September 15, 2016.

7. Potential dispositive motions shall be filed by September 5, 2016, with responses and replies filed according to the Local Rules.

8. The parties request a pretrial conference in November 2016.

The plaintiff(s) shall submit a proposed pretrial order to defendant(s) on or before 14 days prior to PreTrial.

The defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before 7 days prior to Pre-Trial.

9. Where applicable, proposed jury instruction shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before 7 days prior to PreTrial.

10. Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before 7 days prior to PreTrial.

11. A final settlement conference will take place on 10 days prior to trial.

USDC/ATTY-003 | LR 16.1 (Rev. 2/07) Report of Parties Planning Meeting

12. The case should be ready for trial by December 1, 2016, and at this time is expected to take approximately Five days. **?**

The parties do not require ☐ a conference with the court before entry of the scheduling order.

s/ Duane J. Ruggier II

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s/ Benjamin White

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SIGN HERE